

Customer Number: 000959

Box SEQ

DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM
UNDER RULE 1.53(b) (former Rule 1.60)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/205,817	PRIOR APPLICATION FILING DATE: DECEMBER 4, 1998
TTI-180DV	CLASS: 435	SUBCLASS: 320.1	EXAMINER: H. SCHNIZER	ART UNIT: 1653

ASSISTANT COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
WASHINGTON, DC 20231

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: April 20, 2000 Mailing Label Number: EL 263 575 845 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Nelson F. Barros
 Name of Person Mailing Paper

Nelson Barros
 Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/205,817 filed on December 4, 1998, of Charles R. Ill and Scott Bidlingmaier, entitled NOVEL VECTORS AND GENES EXHIBITING INCREASED EXPRESSION which claims priority to provisional application serial no. 60/071,596, filed January 16, 1998, and also claims priority to provisional application serial no. 60/067,614, filed on December 5, 1997; which claims priority to PCT application serial no. PCT/US98/25354, filed November 25, 1998.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:

- ☒ 41 pages of specification
- ☒ 5 pages of claims
- ☒ 1 page of abstract
- ☒ 41 sheets of drawing (Figures 1-25)
- ☒ 2 pages of Preliminary Amendment
- ☒ 1 page of *copy* of Transmittal Letter for Diskette of Sequence Listing
- ☒ 44 pages of Sequence Listing (*pages 1-44*)
- ☒ 1 pages of *copy* of Notice to Comply with Sequence Requirements
- ☒ 44 pages of substitute Sequence Listing (*pages 1-44*)
- ☒ 12 pages of *copy* of executed declaration, petition and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/205,817 as originally filed on December 4, 1998.

2. ☒ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).

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3. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL *	17	MINUS **	20	= 0
INDEP. *	2	MINUS ***	3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY	
RATE	FEE
x 9 =	\$0.00
x 39 =	\$0.00
+130 =	\$0.00
BASIC FEE	\$345.00
TOTAL	\$345.00

OR

OTHER THAN A SMALL ENTITY	
RATE	FEE
x 18 =	\$.00
x 78 =	\$.00
+ 260 =	\$.00
BASIC FEE	\$.00
TOTAL	\$0.00

4. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
5. ☒ A check in the amount of **\$345.00** is enclosed for payment of the filing fee.
6. ☒ Cancel in this application original claims 1/39 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by inserting before the first line the sentences: "This application is a divisional application of serial no. 09/205,817, filed on December 4, 1998, which claims priority to provisional application serial no. 60/071,596, filed January 16, 1998, and also claims priority to provisional application serial no. 60/067,614, filed on December 5, 1997; which claims priority to PCT application serial no. PCT/US98/25354, filed November 25, 1998. The contents of all of the aforementioned application(s) are hereby incorporated by reference."
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☐
11. ☐ Priority of application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
 - ☐ The certified copy has been filed in prior application serial no. _____ filed on _____.
 - ☐ The certified copy will follow.
12. ☒ The prior application is assigned of record to The Immune Response Corporation.
13. ☐ A _____ month extension of time has been submitted in the parent application Serial No. _____ in order to establish copendency with the present application.
14. ☒ Also enclosed are: Transmittal Letter for Diskette of Sequence Listing; and Diskette Containing Sequence Listing.

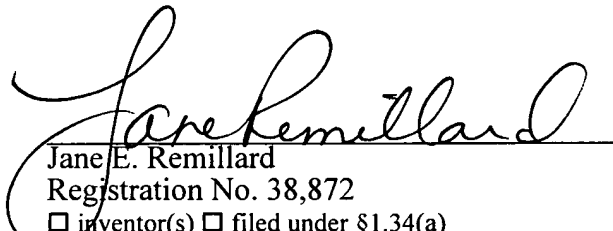
15. ☒ The power of attorney in the prior application is to Lahive & Cockfield, LLP.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached.
16. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Jane E. Remillard at **Customer Number: 000959** whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

17. ☒ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.
18. ☒ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/205,817. Please use the computer readable form of application serial no. 09/205/817 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/205,817 are the same.

Date: **April 20, 2000**

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
Tel. (617) 227-7400


 Jane E. Remillard
 Registration No. 38,872
☐ inventor(s) ☐ filed under §1.34(a)
☐ assignee of complete interest
☒ attorney or agent of record